

the Chair to do it. It -- from what I'm hearing and understanding now, it's incumbent upon me to --

MAYOR MASTERS: Okay.

CITY MANAGER JONES: -- make sure that I get to each of you.

CHAIRPERSON JUDY DAVIS: Uh-huh.

CITY MANAGER JONES: The other way it happens, sometimes the individual will come to the elected official themselves.

MAYOR MASTERS: Or they would get to you probably.

CITY MANAGER JONES: Yeah. So it's --

MAYOR MASTERS: Thank you.

CITY MANAGER JONES: Yeah.

MAYOR MASTERS: I just wanted to know.

CITY MANAGER JONES: Yeah. I just hear this as --

MAYOR MASTERS: 'Cause, I mean, you won't make the same mistakes.

CITY MANAGER JONES: -- a directive that now it must come from -- from me.

MAYOR MASTERS: Okay. I just wanted to know.

CITY MANAGER JONES: For information.

MAYOR MASTERS: Is it clear?

CHAIRPERSON JUDY DAVIS: Okay. We're now -- it's 7 p.m. It's now down to public comments. First person up and I do apologize to you, Mrs. Gay. You're going to be first up. We missed you last -- at the first meeting in December, I think it was.

DOROTHY GAY: Yes, it was.

PUBLIC HEARINGS

ORDINANCES ON SECOND READING

7. ORDINANCE NO. 4056 OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI

ENTITLED "TELECOMMUNICATIONS REGULATIONS" OF THE CODE OF ORDINANCES BY RENAMING THE ARTICLE TO "PLACEMENT AND MAINTENANCE OF FACILITIES FOR COMMUNICATIONS SERVICES IN RIGHTS-OF-WAY"; UPDATING DEFINITIONS IN CONFORMANCE WITH STATE LAW; PROVIDING FOR WIRELESS COMMUNICATIONS FACILITIES; UPDATING AND REVISING THE REGISTRATION AND PERMITTING PROCESS; REQUIRING DESIGN FEATURES FOR CERTAIN ABOVE GROUND FACILITIES; PROVIDING PLACEMENT PARAMETERS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL RIGHTS OF WAY; REVISING ADMINISTRATION AND ENFORCEMENT PROCEDURES; PROVIDING REGULATIONS FOR "PASS THROUGH PROVIDERS" IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: This scam.

CHAIRPERSON JUDY DAVIS: Is there a motion?

COUNCILPERSON TERENCE DAVIS: So moved.

CHAIRPERSON JUDY DAVIS: Is there a second?

CITY ATTORNEY RYAN: Well, we probably should wait for Mr. Guyton to come back.

COUNCILPERSON THOMAS: That's not how we do things.

CHAIRPERSON JUDY DAVIS: Is there a second?

COUNCILPERSON TERENCE DAVIS: What are we waiting for?

CITY ATTORNEY RYAN: There he is.

CHAIRPERSON JUDY DAVIS: I'll pass it -- okay. Is there a second?

COUNCILPERSON GUYTON: (No audible response).

CHAIRPERSON JUDY DAVIS: Okay. We have a second. Okay. Mrs. Jones.

COUNCILPERSON TERENCE DAVIS: What you doing?

CITY MANAGER JONES: Okay. This is an item for -- on the second read. This is the second -- I want to say at least our third time that the item has been before you. Staff is available to answer any questions that you may have about the item.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Madam Chair.

CHAIRPERSON JUDY DAVIS: I've got -- let me -- let me take these two first (indicating).

COUNCILPERSON THOMAS: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: Okay. Melissa Anderson and then Hope Calhoun.

COUNCILPERSON TERENCE DAVIS: That's what we're doing. That's all we're gonna do.

CHAIR PRO TEM PARDO: (Inaudible).

COUNCILPERSON THOMAS: Madam Chair. Before -- if you don't mind --

CHAIRPERSON JUDY DAVIS: Sure.

COUNCILPERSON THOMAS: -- before we take the speakers, if my issues were addressed that I talked about before, I'd like to hear them in the presentation because some of the questions may be about that. If that's okay with you.

CHAIRPERSON JUDY DAVIS: Well, I -- I -- I -- I generally want to hear the -- go ahead and take these. And then we'll --

COUNCILPERSON THOMAS: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: -- we'll go forward.

CITY ATTORNEY RYAN: Mr. Davis.

CHAIRPERSON JUDY DAVIS: Come on up, ma'am.

CITY ATTORNEY RYAN: Keith Davis. Can you just come up just so you can be (inaudible)?

CHAIRPERSON JUDY DAVIS: Melissa Anderson and then Hope Calhoun.

MELISSA ANDERSON: Good evening, Council members. I actually am here just to answer any questions you might have. I was not available at the last meeting. I know that there were some questions. I am the government relations counsel from Crown Castle. So if you have any questions, I am here to answer them. Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Hope Calhoun.

HOPE CALHOUN: Good evening, Hope Calhoun, attorney on behalf of Crown Castle. The same, I'm here to just answer any questions if they're relevant to my --

CHAIRPERSON JUDY DAVIS: Okay.

HOPE CALHOUN: -- clients issues tonight. Thank you.

CHAIRPERSON JUDY DAVIS: All right. All right. Miss Jones.

CITY MANAGER JONES: Yes. I would like to ask the staff, and the staff -- the attorney that worked on this regulation, to point out the changes in the document since the last meeting that we had.

CHAIR PRO TEM PARDO: I don't have them.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Good evening, Mayor, Council, staff. My name is Jeff Gagnon.

CHAIRPERSON JUDY DAVIS: Good evening.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: I am the Zoning administrator for the City. There was a -- a memo that was released on December 30th and just for background, this item appeared before the Board, excuse me, the Council, for first reading on December 3rd. Second reading occurred on December 17th. At that time, Council directed staff to amend the ordinance to include a public notification element.

CHAIRPERSON JUDY DAVIS: Mr. Gagnon. Pull -- pull the mic down so --

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Yes, ma'am.

CHAIRPERSON JUDY DAVIS: -- so it'll catch -- catch your voice, okay?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: At the December 17th Council meeting, there was a request to have staff include a public notification element within the ordinance. That specific language is outlined within that memorandum. It falls on page 20 of 50 of the ordinance. It is under Section 10-211, Use of Rights-of-Way. In summary, what it -- what it does is it accounts for a public notification element where adjacent property owners will be notified of any potential work. Depending on the extent of the work, it could escalate to a public meeting process.

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON JUDY DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Madam Chair, thank you. Mr. Gagnon, I -- I recognize the attempt to accomplish what I was asking for, but this doesn't quite do it for me and let me tell you why. It is still that they can place these wherever they want to without the residents being able to have any say-so. Is that correct?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: What the new language does, if a permit is required, a notification will also be required. So that's for a new facility or --

COUNCILPERSON THOMAS: I get it. The notification.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Correct, sir.

COUNCILPERSON THOMAS: But if, let's say Crown Castle wants to come -- and let me explain -- there's a sidewalk -- hopefully, there's a sidewalk in your neighborhood. If not, they're coming soon. Right in front of that sidewalk, although it really doesn't belong to the residents, most of them take good care of them. I've seen some streets where there are palm trees and lights and they -- they put money -- they -- they take care of those. Crown Castle, if this happens, can just come and say, I'm going to put one of these poles right there, anywhere, in that median. And all this does, it says, Well, they gotta tell you they're going to do it. You don't really have any say-so in that.

Now, for me to have to take care of that, I don't want my -- I don't want the front of my house littered with these poles. Now, let me -- let me -- let me make sure, 'cause we can't say that they can't do this anywhere. They get just to do it if it's in -- if it's a right-of-way. Correct?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: What -- what this ordinance is attempting to do is provide guidelines and parameters so the entities and the providers cannot just come into a neighborhood and -- and put poles or facilities wherever.

COUNCILPERSON THOMAS: I want more than perimeters -- parameters. I want some protection so that they can't litter our City with these things all over the place, just so they can make money. I get it. Some of the services are horrible. They need to put them out. The proposed places that they put them, happen to all four be in the residential district where I reside and I'm the councilperson for. But I have an issue that they're -- have not put these in any other residential places, anywhere in the state of Florida, residential, that I've seen. If they have, I'd like to see that. I'd like to see that, you know, right here.

The fact that we say this, we could still fight. It -- it's not like we -- we can fight. That's what we have attorneys for. We can fight. I am nervous, I'm scared, and I don't believe that they will respect our community enough to not do the right thing. They're gonna put them wherever it's best for them. Not where it's best for that resident who pays their taxes, who keeps their property up, who wants the quality of life that they have in terms of what they see, to be what they see. You know?

So this is just not something that can affect my neighborhood. This can affect any neighborhood, the western communities, the island, everywhere. This is a city-wide thing. They're only proposing to put it in -- in our neighborhoods -- in my neighborhood right now. So has there been any update on a way to protect that from happening? Can we confine them to the back of properties? What can we do? Where do we go? Where do we go that extra mile for our residents to be protected from this big company who just has their mind on their bottom dollar, getting more customers, make sure that their calls don't drop -- I understand that -- but at the risk of putting it here.

You know, I want to be on the cutting edge of a lot of things. But I'm tired of being on the cutting edge of all this stuff that's risky -- you know, all the stuff that could be considered to be not good. So did we do anything different with those? Did we do anything different to add protection?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Yes. Before I -- I introduce Mr. Keith Davis, what I will say is staff had gone back, and working with Mr. Davis, we have implemented almost every legally available, I guess, deterrent, for lack of a better word, but as many conditions that we could put into place that would be legally defensible, we have done that. So --

CHAIRPERSON JUDY DAVIS: Yes.

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: -- a separation requirement is one of those items. But to really make a long story short, there are federal regulations that we're also trying to abide by as well. And, at that point, I'll let Mr. Davis chime in.

ATTORNEY KEITH DAVIS: Good evening, Madam Chair and Council.

CHAIRPERSON JUDY DAVIS: Good evening, sir.

ATTORNEY KEITH DAVIS: Keith Davis, Special Counsel for the City. If I may, to get back to the -- the public notification piece, the way we've written this, it -- it really is more than just notification. It allows an opportunity for public comment to be provided, either in writing to the City or if there's a -- a public information meeting, verbally at that meeting. Public comments that are received in either -- either way, have to be addressed and dealt with prior to a permit being issued. So if there are negative

comments from residents who are notified, the applicant has to get with City staff, and those issues have to be addressed to the satisfaction of the City staff before any permit is issued. So it's -- it really is a bit more than just simply notification.

COUNCILPERSON THOMAS: But the end result is what I'm trying to get to. Will they still have the right -- will they -- let's take a -- let me -- let's not use my neighborhood. Let's take the neighborhood over here by the -- the Coast Guard, that area over there. I forget what that's called but they're right, like, right there on the water right there.

CHAIR PRO TEM PARDO: Lakeshore Drive.

COUNCILPERSON THOMAS: Lakeshore Drive, that area over there. If -- if the right-of-way -- I'm sorry, Miss Duncombe. I forgot you live in that neighborhood. Maybe we shouldn't use that one either, but since we started, we're going to go ahead and use that one. If they wanted to come and put a pole right in front of that house, as long as it's considered right-of-way, and right-of-way is at the front and the back, they pay money to be on that water. People pay money to keep their yards clean. The way that this is being -- manicured and cut, I'm saying -- the way that this is being offered, they still would be able to put this in those right-of-ways.

ATTORNEY KEITH DAVIS: Well, under your code today, before this ordinance is adopted, I agree. That's absolutely correct. Right now there are no protections in place in your code for these -- for this new technology. This ordinance does put those protections in place. Now --

COUNCILPERSON THOMAS: Sir, are you our -- you're our attorney, correct?

ATTORNEY KEITH DAVIS: That is correct.

COUNCILPERSON THOMAS: So do me a favor --

CITY ATTORNEY RYAN: Hold on.

COUNCILPERSON THOMAS: -- don't -- no, hold on. Don't use words like "technology" because it sounds better. These are going to be in our right-of-ways where we can see them and we really don't have anything to deal with that. It's not a problem right now because a lot of people don't understand that. But when they start popping up in your neighborhoods, popping up in front of your boat ramps, popping up in front of where you have your -- your -- your nice, decorative lights and your trees and all those things, it's going to be a problem then. So I -- I get that. I'm trying to figure out where do we have protection against saying, We gotta notify you. At the end of the day, the law states that they still have to be able to put that there. That's what I'm trying to get at.

ATTORNEY KEITH DAVIS: Here's the bottom line from where I'm standing. Under federal law and for this to be a legally sufficient document, which is the only type of document that I would bring before you, that I would put my name on and that I would ever sign off on, is a legally sufficient document. For this to be legally sufficient under federal and state law, wireless poles have to be given the same -- have to be treated in a -- in the same way that wire -- poles with wires are treated. So the same places that you want to allow Comcast to put the poles and the wires, or -- or anybody else, then these folks have to be allowed this -- the exact same rights under federal law. That's -- that is the box within which we are required to work. We can't get outside that box without being legally insufficient.

So within that box, we have placed restrictions in this ordinance that say, you know, you can only have equipment boxes clustered in such big a size and they can only be so close together. It -- there is language in here that says these -- these wireless poles, if - if -- if they have to go into a residential neighborhood, they can't be in front of a house, they can't block views, they have to be disguised with -- with stealth design. Co-location is encouraged. You know, the ordinance itself directs these -- these things --

COUNCILPERSON THOMAS: Did you just say that -- that you put in that it can't be in front of a house?

ATTORNEY KEITH DAVIS: Yes.

COUNCILPERSON THOMAS: So even if that's the right-of-way, they can't be there.

ATTORNEY KEITH DAVIS: Right. There's language in here that says it can't be right in front of the house, it can't be --

COUNCILPERSON THOMAS: I'm just trying to make sure I understand you.

ATTORNEY KEITH DAVIS: Yes, sir. Absolutely.

CITY ATTORNEY RYAN: (Inaudible) in front of, right directly in front of.

COUNCILPERSON THOMAS: Because what --

ATTORNEY KEITH DAVIS: It can't be right in front of a house. That is correct.

COUNCILPERSON THOMAS: Okay. Okay. Well, wait a minute. That's two different things. Because we do have poles that are in the front of houses. We do have them. So if you're saying that we must allow them to be anywhere those other poles are, that means that they're going to be in front of houses. So please don't have me contradicting myself and my thoughts here. I want to make sure I understand this perfectly fine. Are you saying that it is prohibited for them to put them in front of a house? If that is the case, you may start to win me.

ATTORNEY KEITH DAVIS: In front of the building, that is correct.

COUNCILPERSON THOMAS: What does that mean?

ATTORNEY KEITH DAVIS: Well, you've got -- you've got a yard --

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: Directly in front.

ATTORNEY KEITH DAVIS: -- and then you've got some -- and you got a house in the middle of the yard, for example.

COUNCILPERSON THOMAS: Okay.

ATTORNEY KEITH DAVIS: So the pole can't go in front of the building. You could put it, say, on the corner in front of the grass, something like that. But it couldn't be right there so that when you're looking out your living room window, that's what you see or when you open your front door, that's what you see.

COUNCILPERSON TERENCE DAVIS: Just like a light pole.

COUNCILPERSON THOMAS: Are you saying it can't be directly in front of the --

ATTORNEY KEITH DAVIS: Of the building.

COUNCILPERSON THOMAS: -- I'm talking -- the -- the directly in front of the building is the homeowner's. I'm talking about the right-of-way part. I'm talking about the right-of-way.

ATTORNEY KEITH DAVIS: In -- in the right-of-way. That's all this is talking about is in the right-of-way. But there's going to be a part of the right-of-way that's right in front of - that's in -- in front of the building. There's going to be part of the right-of-way that's in front of the grass.

COUNCILPERSON THOMAS: How is that determined?

ATTORNEY KEITH DAVIS: It's where the building is. It's -- it's --

COUNCILPERSON THOMAS: Okay. But I'm saying, where is that -- how -- how do we know? If they say, We don't think it's right in front of the house, but we believe it's right in front of the house, how is that determined?

PLANNING & ZONING ADMINISTRATOR JEFF GAGNON: Councilman Thomas, it's a good question. If you had the -- the property frontage, you would have a building

envelope on the property. So if an imaginary line was -- was drawn from that building to the street and to the right-of-way, it would be a -- a front of the property that would exist, that would be directly in front of the building. So if there's a -- a side yard area that wouldn't be directly in front, so in between those imaginary lines that -- that were drawn from the building to the right-of-way, that -- that facility or pole cannot exist. So it would have to be either to the left or the right.

COUNCILPERSON THOMAS: Do we have like a -- a photo of a house or something so we can actually see what you're speaking of? I mean, is -- is -- is that something that we could see? Because just you explaining it to me, I'm not -- I'm not picking it up. I'm not picking it up. My issue is right now, they're going to be on their best behavior. Two years, three years, four years down the line, that's where I'm worried about. And why can't -- I don't know if that's the proper way to say it. Why we're not -- okay, maybe that's not the proper way either. How come we haven't been afforded an opportunity to see these in any other residential area, anywhere? I -- I mean, I -- I'm -- I've been waiting on that. The -- the -- the young lady is waving her hand.

CHAIR PRO TEM PARDO: No. Hold on a second. Let the staff --

UNIDENTIFIED SPEAKER: I'm just -- I can answer this question.

CHAIR PRO TEM PARDO: No. You can sit down and we'll get to you in a second.

ATTORNEY KEITH DAVIS: I just want -- wanted to say on that issue, I -- I've worked on this exact same project in the City of Miramar in Broward County because they had the exact same thing happen to them. They had -- Crown Castle Company came and -- and applied for permits to put the -- these wireless antennas in residential rights-of-way. So Miramar adopted a moratorium just as -- as y'all did and we went through this process and created this -- a very similar code to what is before you this evening that puts very similar protections in place for the residential neighborhoods. So I know for a fact because I was directly involved, that -- that it happened in Miramar. I believe it's happened in the City of Homestead. Beyond that --

COUNCILPERSON THOMAS: In the residential areas?

ATTORNEY KEITH DAVIS: Yes, sir. Yes, sir. Absolutely.

COUNCILPERSON THOMAS: Okay. Well, I've been asking for that. I've said, Hey, listen. Can you give me that information 'cause I can't find it. They haven't given it to me where I want to see it in the residential areas -- in the residential areas.

ATTORNEY KEITH DAVIS: Yes. I know for a fact that Miramar went through this exact same thing.

COUNCILPERSON THOMAS: Do they have them in the residential areas?

ATTORNEY KEITH DAVIS: Yes, sir.

COUNCILPERSON THOMAS: Okay. Can we get that information? I mean, 'cause that's what I've been asking for for months.

ATTORNEY KEITH DAVIS: I'm sure we could. I -- that -- I worked with Miramar in 2012 and, you know, their moratorium was released in 2013 and they started processing permit applications in residential zones after that.

COUNCILPERSON THOMAS: They -- they took a year to do their moratorium?

ATTORNEY KEITH DAVIS: No. It was -- I think it was about six months for the moratorium and then we got the code in place. And -- but it's been, you know, then it's - - it's been some time since the -- their code has been on the books and the moratorium has been lifted. So -- but it was -- it was a little less than a year that I was involved in the project in Miramar.

CHAIR PRO TEM PARDO: Okay. Jeff, do you want to continue?

CITY ATTORNEY RYAN: Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, Miss Ryan.

CITY ATTORNEY RYAN: I also found the section in case you want to look at it that discusses the residential area. It's on page 23 of the 50-page document.

COUNCILPERSON THOMAS: Twenty-three.

CITY ATTORNEY RYAN: Page 23. And if you want, I can read it very quickly.

COUNCILPERSON THOMAS: Please.

CITY ATTORNEY RYAN: Okay. In the middle of Subsection I, it states, "In such circumstances," and this is where the -- when the wireless facilities are being erected, "the applicant shall include with its building permit application, sufficient evidence consistent with industry stand -- standards, to justify such placement. Whenever wireless communications facilities must be placed in a right-of-way with residential uses on one or both sides, neither poles, equipment, antennas nor other structures -- structures shall be placed in front of a residential structure. If a right-of-way has residential structures on only one side, the wireless communications facilities shall be located on the opposite side of the right-of-way whenever possible. All wireless communications facilities shall be located in such a way that they do not interfere with views from residential structures."

COUNCILPERSON THOMAS: Okay. Now, let me ask you this question here. What process do we have in place to make sure that that's not occurring? At what department is going to make sure that this happens -- I'm talking about -- I'm not talking about right now. They're going to be very good right now.

CITY ATTORNEY RYAN: Oh, yeah.

COUNCILPERSON THOMAS: But what happens two years, three years down the line, where they just say, Oh, we got -- we, you know, we -- we got a -- a document that say we can put it here.

CITY ATTORNEY RYAN: Under this ordinance, they must come to Community Development every time they want to put a structure in, every, single time.

COUNCILPERSON TERENCE DAVIS: (Inaudible).

CITY ATTORNEY RYAN: So they have to get a permit to do that. They have to give us drawings. We have to see exactly what kind of antenna they're trying to put in because some places we may have certain types of stealth -- that's what they call it, stealth, like the car. In other places, they may want something different or staff may recommend something different. So they can't just come to somebody's -- in front of somebody's house or on the side of somebody's house and plop one down. Staff will know in advance every single time. And they have to pay a permit fee every single time.

COUNCILPERSON THOMAS: Now this is -- this is monitored by the FCC or the FEC or -- not the FEC.

CITY ATTORNEY RYAN: You're correct, FCC.

COUNCILPERSON THOMAS: But FCC and that's the Federal Communication Commission or something like that?

CITY ATTORNEY RYAN: I guess. I don't know.

COUNCILPERSON THOMAS: Is -- is -- okay. Somebody needs to give me a answer, please.

CHAIR PRO TEM PARDO: Yes. Yes.

CITY ATTORNEY RYAN: Yes, yes.

CHAIR PRO TEM PARDO: FCC is --

ATTORNEY KEITH DAVIS: The Federal regulations are -- are -- back to the microphone.

CITY ATTORNEY RYAN: FEC?

ATTORNEY KEITH DAVIS: Yes. The Federal regulations that -- is the Telecommunications Act which the FCC is involved with that. But, I mean, the actual -- I don't want -- I don't want you to think that the FCC is going to be watching where these facilities are going to be 'cause that --

COUNCILPERSON THOMAS: Oh, I'm sure they're not.

ATTORNEY KEITH DAVIS: -- that's absolutely not the case. This will be handled at the local level.

COUNCILPERSON THOMAS: Exactly and that's what I'm trying to get at.

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON THOMAS: So these -- these -- well, first of all, let me ask you, did - - did we consult with anybody from the FCC when we were drafting these ordinances or did we consult with any of them to see, you know, how much protection could we put in in this? Did we -- did we talk to anybody?

ATTORNEY KEITH DAVIS: I didn't talk to anybody but we've -- we're familiar with the Telecommunications Act and the -- the statutory and federal language that -- that requires equal treatment and non -- they can't be put at a competitive disadvantage. And that's in federal and state law. So -- and really, that's the key is that -- that all telecommunications providers have to be put on an equal playing field. So the wireless folks have to be given the same opportunities that the wire folks get.

COUNCILPERSON THOMAS: I -- I understand -- I understand.

ATTORNEY KEITH DAVIS: So that -- that's really -- that's really the essence of it.

COUNCILPERSON THOMAS: I -- I understand that and this is not about me trying to make one company better than the other. I'm about how these are going to look, where they're going to be and how are we going to monitor this? I don't see us having the staff to continue to do this. What kind of cost is this going to be? Can we make them pay for the extra staff that we may need? All of those things, I don't think, have been vetted enough for us to be deciding on it.

ATTORNEY KEITH DAVIS: As far as -- the City can recover its actual costs for processing permit applications and the other piece of this is that under state law, we require anyone who wants to put anything in your right-of-way to register with the City

and maintain a current registration so we know who they are and what they're doing and -- and -- and that -- that -- that -- that's a process in this ordinance as well. So to the extent that there are actual out-of-pocket, so to speak, costs that the City will incur, those are -- those can be captured. We can't charge permit fees, per se, because we get telecommunications service tax from the State and -- and the State --

CITY ATTORNEY RYAN: They regulate it.

ATTORNEY KEITH DAVIS: -- restructured that back about 14 years ago.

COUNCILPERSON THOMAS: Okay.

ATTORNEY KEITH DAVIS: So -- so we're stuck with -- with not being able to -- to charge permit fees.

COUNCILPERSON THOMAS: Right. To get a permit. Well, let me ask you this. So you're saying it's solely on the City. What happens if they put a pole up and nobody knows about it? What -- what is the -- what is the recourse that we have for that?

ATTORNEY KEITH DAVIS: Well, I mean, if -- if -- if somebody came in and put something in your right-of-way without your permission, it's your right-of-way, you can take it out.

COUNCILPERSON THOMAS: Okay. So a resident that may not know that so -- how - - what I'm saying is -- you're saying that all of the -- the risk is going to be on the City to make sure that they're compliant. And I'm saying, it's -- it's one thing to get new construction. You got to come in and get your permits. You know, we're going to see that. We're going to see you building the house. We don't all the time see the additions. There be a lot of additions that we'll never catch for permits.

ATTORNEY KEITH DAVIS: Understood.

COUNCILPERSON THOMAS: But a pole like this that can be up in a matter of an hour or two that we may never know existed, what parameters in place do we have that -- that's all I'm saying. Once you get those parameters in place, I want the full protection for our residents --

ATTORNEY KEITH DAVIS: Sure.

COUNCILPERSON THOMAS: -- and businesses. That's -- that's all I'm trying to get.

ATTORNEY KEITH DAVIS: Sure. I guess -- a couple of things. My understanding is that you -- you wouldn't have a situation and -- and Miss Anderson may be able to explain further -- where you would just have a pole get put in. Because these are networked with, you know, underground cables and it's not -- there's a whole series of

things. But there is a permitting process. In addition, with the registration that I was speaking about, one of the new things that we've put into this ordinance to protect the City is -- is an inventory requirement. So we're requiring these providers to tell us what they have -- what they've already got in place and then when these registrations have to get renewed every two years, they have to update the inventory.

COUNCILPERSON THOMAS: If they renew it. So let's -- let's -- let's -- let's look at a case in point.

ATTORNEY KEITH DAVIS: Well, anybody who has anything in your rights-of-way has to have a registration on the books.

COUNCILPERSON THOMAS: I -- I get it. Let's look at -- let's go case in point. You have -- we have something in our -- our occupational license or occupational tax receipts -- let's say, like, it's FedEx or UPS they gotta tell us how many trucks they have and they gotta do all of that. I know for a fact that's not being followed. Another thing is, and I know we got somebody that's supposed to be checking it, there's several businesses that don't come back and get their business tax receipts every year. Not just that, we just saw an incident tonight where there was a business that was in here that we didn't even know that was -- that was taking place. And all I'm telling you is that this is going to get worse over the years. So let's get in front of it. Don't just say, You got to do this because this is what it is. We may have to eventually, but we need to fight to make sure that that doesn't come into place. They don't have to tell -- they can tell each other that they gonna put a pole up. But they can come and put a pole up without us even knowing. It doesn't take that long for that to happen.

That is the only thing that I'm trying to fight for here. Making sure that we put all of the provisions in place to protect us as best we can. And I -- you guys have done a great job on the document. I just want it to be tighter. That's just me. I'm -- I'm going to leave it alone, but I know for a fact, after you're done, after the attorneys for Crown Castle are done, they're going to go on to another city, another issue and we're going to be stuck dealing with this. I would like to fight to make sure that our residents and our businesses get the protection that we so deserve.

Now I'm done with it. I've talked to my colleagues about this enough. It's going to be on them. Thanks.

COUNCILPERSON GUYTON: Madam Chair.

CHAIRPERSON JUDY DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: Thank you. Let me say that I am in support of it. We live in a democracy and there are going to be times that we -- we have to understand that there are going to be sacrifices made in order to accomplish what we're trying to

accomplish. We have First Amendment rights, people can say what they want to say. We don't like some of what they say, but we live in a democracy. But my overriding concern is how it is going to improve technology. And that is where -- and certainly I don't want them going up everywhere either. But I want to get ahead of the technology curve to see -- 'cause I'm one of those ones that experience a lot of dropped calls in my home. So I want some technology that allows me to talk on the phone without it being dropped.

I mean, aesthetically, we need to deal with that. Our attorneys have indicated that it's -- or our attorney has indicated that, to the best of his ability, he has addressed it legally within the parameters that the federal law allows. If someone has some suggestions from this point on, that's what I want to hear. If we're going to make it tighter, say, This is what I want to see. Can we do that? Or this is what I want to see. Can we do that? And that's not what I'm really hearing now. I'm not hearing any suggestions other than just make it tighter. And I -- I would agree to make it tighter if we can. But if the attorneys are telling me that they've done -- he's done what he could, I would like to hear suggestions from the dais so that the attorney can vet them and then we can keep this process moving. But aesthetically, I -- I -- I know that for some, it's not going to be pleasing. I want the technology for our residents to be able to benefit from it. I'm ready to entertain any suggestions that fall within the parameters of the law. And -- and I'm -- I'm -- I'm hoping that if we are not totally comfortable, now it's time to say, This is my suggestion to make it tighter. This is what I want to see. Lawyers tell me if we can do that.

So if the -- and one -- I haven't heard from -- and if I may, Madam Chair, I would like to hear from -- Crown Castle, are -- are you -- may I, Madam Chair?

CHAIRPERSON JUDY DAVIS: Yes, sir.

MELISSA ANDERSON: Yes, Council member Guyton.

COUNCILPERSON GUYTON: Would this technology, now -- and let me back up. Whether we want it or not, it's coming. We can delay it this week or next week to next month. Eventually, it's going to get here. So we can fight it for another year or a month. I don't know, but eventually it's going to get here. So I'd rather try to streamline it and get the provisions in that we want and we can provide our residents with better service than what they have. Is this intended to improve the quality of technology that we use? Not just telephones but access in the Internet and all those other good things?

MELISSA ANDERSON: Yeah. These facilities --

CHAIRPERSON JUDY DAVIS: Ma'am, state your name and -- just for the record, please.

MELISSA ANDERSON: I'm sorry. Melissa Anderson, government relations counsel, Boca Raton, Florida. First of all, in terms of the aesthetics, Crown Castle has been working for the last two years on this project in South Florida. And due to concerns similar to Commissioner Thomas's, we have developed a light pole/telecom pole -- that we can actually replace a light pole with a telecom pole -- a functioning light pole and take some of that aesthetic impact away. So that's the first thing. So that we -- we can -- we're offering that to you, the City, because we want to be good corporate citizens and we have developed this and we are using it in Miami Beach. We're probably going to be using it in Fort Lauderdale and we have also put facilities in Miramar, Pembroke Pines, Homestead, City of Miami, and the residential areas.

COUNCILPERSON GUYTON: Okay. Could we go back how it's going to improve technology?

MELISSA ANDERSON: Sure. So --

COUNCILPERSON GUYTON: That was my question.

MELISSA ANDERSON: -- so as you know, everybody's heard about the Internet of things and basically, our economy is becoming a wireless economy. And what these facilities do is help to supplement, normally, capacity, which means -- and the easiest way for me to explain it 'cause I'm an old land-use attorney -- is, let's say in Riviera Beach you had, you know, two lanes of traffic going each way on your main thoroughfare but you had eight lanes of cars wanting to get onto those four lanes of traffic. Well, you can't fit eight lanes of cars into four lanes. What these poles do, essentially, is to help boost the capacity and provide more lanes for that traffic so that you can have more information going on, being transferred wirelessly, including Internet, whatever else may need to be transferred wirelessly on these types of facilities.

Increasingly, what is happening is United States and the rest of the world is going to these types of facilities to supplement capacity because it physically is just incapable for towers to take all of that R.F. traffic and process it. And so essentially, what these do is provide more R.F. capacity to hold those signals and -- and make it possible. That's what they do.

COUNCILPERSON GUYTON: Okay. And is this -- once you put your equipment up, is there a delay process before the people in the immediate area --

MELISSA ANDERSON: No. In fact, we've had companies tell us that -- because we represent all the major carriers. This particular carrier is T-Mobile/MetroPCS. They have told us that they need this so badly that they will, for instance, turn -- turn on one of these facilities out in Sunrise and it just fills up the -- in other words, they need it. It -- it helps to provide that extra capacity and it soaks it up. I mean, it just -- the -- the need

is out there for -- for this type of -- of capacity boost in South Florida, in Riviera Beach, Homestead, you name it, it's needed. And part of the reason for this is because a lot of what we're transferring on these signals now is not voice, it's data.

COUNCILPERSON GUYTON: Okay. All right. Well --

MELISSA ANDERSON: And -- and, no, Councilman Thomas, a pole -- theoretically, anybody can go out and plant a pole in the middle of the right-of-way. What Mr. Davis is referring to is, these are really sophisticated systems that are connected underground by fiber optic cable and there's an antenna on top of the -- the pole. And for us to go out and just throw these up in the middle of the night would be virtually impossible, number one. Number two, we are a utility licensed in the State of Florida and I would hate to use -- to lose my certification from the Florida Public Service Commission because we did something illegal.

COUNCILPERSON GUYTON: Okay. One last question. The fiber optics, did you say that they're going to be underground?

MELISSA ANDERSON: Yes, sir.

COUNCILPERSON GUYTON: All of them and then there'll be an antennas placed somewhere. Is -- is that the model --

MELISSA ANDERSON: Yes, sir.

COUNCILPERSON GUYTON: -- that you're saying? So it won't be a separate pole --

MELISSA ANDERSON: No.

COUNCILPERSON GUYTON: -- itself? It would use an existing pole --

MELISSA ANDERSON: Well, we do both. If there is an existing pole, we will always use an existing pole in order not to pollute the right-of-way with poles. If there's not an existing pole, we would propose to install a new one and if there's a light pole nearby, we would propose to take that light pole out, replace it with one of these telecom poles. It's still a functioning light pole, you just have now a telecom pole and a light pole.

COUNCILPERSON GUYTON: Okay, Madam Chair. I'm done.

CHAIRPERSON JUDY DAVIS: Okay. Miss Pardo.

CHAIR PRO TEM PARDO: Okay. So staying on that, with the poles, a lot of those poles belong to FPL. So in the, I guess -- you have these antennas up and running down in Miami. So do you have these antennas on any of the FPL poles? Or --

MELISSA ANDERSON: We -- we do have antennas on FPL poles. Yes.

CHAIR PRO TEM PARDO: Okay. So will you be working with FPL here in the City?

MELISSA ANDERSON: Absolutely.

CHAIR PRO TEM PARDO: You know, I mentioned this -- you guys have been here several times already. My concern is this -- very similar to Councilman Thomas's -- we're trying to improve Riviera Beach.

MELISSA ANDERSON: Absolutely.

CHAIR PRO TEM PARDO: All right. We just did a major improvement over on Singer Island on A1A. The last thing I want to see over there is these antennas popping up. The same with Broadway. We just made a major investment on the Broadway corridor. We put new lighting in. One side of the street has underground power now. The last thing, again, I want to see is these antennas -- these poles with the antennas -- popping up. So if there's any way that we can put language together where we strongly, you know -- we strongly suggest or whatever -- the attorney can come up with something -- that before you install a pole, you reach out to FPL to see if there's any way that you can utilize their pole.

MELISSA ANDERSON: We always do that, always.

CHAIR PRO TEM PARDO: Okay. Now the other --

MELISSA ANDERSON: In fact, we are working closely with FP&L to be able to site more antennas on their poles because they have very strict requirements on what they will allow on their poles. And we have been working FP&L hand-in-hand for the last three years, and in emphasizing to them and they now understand, that it's very important to communities that FP&L allow us on their poles so we don't have to put up more poles.

CHAIR PRO TEM PARDO: You know, if anything, if we have to allow this and I think we all know we're not afraid of a lawsuit, but, you know, if the consensus is to move forward with this, then there really needs to be some kind of partnership with FPL because we do have these light poles throughout the community. And --

MELISSA ANDERSON: And Tom -- Tom Kennedy with FP&L is the person that you should read out -- reach out to. Mr. Kennedy is -- works with us and he would be -- we would love for you to -- to tell Mr. Kennedy that you're interested in having FP&L work with us.

CHAIR PRO TEM PARDO: Well, I think that's the conversation that you need to have with them.

MELISSA ANDERSON: We are having the --

CHAIR PRO TEM PARDO: Because at the end of the day --

MELISSA ANDERSON: No. Absolutely.

CHAIR PRO TEM PARDO: -- we don't want -- you know, we don't want these poles here. But if they have to be here, then the -- you know, we are encouraging you to reach out to FPL and try to work out some agreement so you can put your equipment on their poles. Now, the other thing is I believe in the ordinance that we have, it states that these poles must be a minimum of 1,000 feet apart. Is that true? Right? Didn't I read that the last time? Has that changed?

CITY ATTORNEY RYAN: Yeah. It's 1,000 feet.

ATTORNEY KEITH DAVIS: That -- that is correct.

CHAIR PRO TEM PARDO: Okay. So what are -- in the communities that you're dealing with right now, if you take an average street -- you've been around Riviera Beach, so you know what our streets basically look like. On an average street, how many poles would you have or how many antennas would you have?

MELISSA ANDERSON: It really depends on the coverage that you're attempting to provide. Normally what happens is, in -- for instance, your concern is a residential area. We will target the area that we know is deficient. We can tell. And so there may be -- and I -- I'm -- I'm sorry, I wish I had a technical person here with me and I don't -- although Wanda, can you -- she may be able to better answer these questions than I. You -- normally in a circle, what we call a polygon, there will probably be five to six poles, spread out at a fairly good distance. I -- I wouldn't say that they're as close as 1,000 feet. I'd say they're farther apart than that. And they're usually in a circle, so they're beaming in to hit the spot that's deficient.

CHAIR PRO TEM PARDO: Okay. So did you --

MELISSA ANDERSON: So that -- that -- that is -- that is my answer. And -- and by the way, these facilities, you know, we -- we -- for instance, Hilton Head Island. There -- there have -- the plantation asked us to come install these facilities on the island. They are on Hilton Head Island in very exclusive vacation communities. This is nothing that if -- if done correctly, they don't have to be an eyesore, truly. It can be a great benefit to this community and not an eyesore.

CHAIR PRO TEM PARDO: Well, I can tell you if these start popping up over on Singer Island, those people over there are going to be saying it's an eyesore and we have a resident right here who's on the mainland in the waterfront community and it's the same

thing, you know? She made her comment that the last thing she wants to see is them popping up also in front of her property. So that's why I would strongly, strongly encourage -- and Miss Ryan, you know, if you could maybe put something in the document where, you know, proof has to be shown to us prior to a permit being given, that they've been working with FPL.

MELISSA ANDERSON: I think all of that is in the ordinance. We are required to provide --

CITY ATTORNEY RYAN: Look for it.

CHAIR PRO TEM PARDO: Okay. You know, I think that is very important because, again, the last thing we want to do is litter the right-of-ways in the City. Now, my -- my last question is regarding hurricanes. Okay. So if a hurricane comes by and blows off one of your antennas, you know --

MELISSA ANDERSON: We will fix it.

CHAIR PRO TEM PARDO: -- what's the -- okay. Right. So what's the process for that?

MELISSA ANDERSON: Identifying it --

CHAIR PRO TEM PARDO: Do you have a crew that goes out and --

MELISSA ANDERSON: Yes. We have -- yes. Absolutely. We have 24-hour call center that we monitor and we are very diligent about replacing our facilities. We value our facilities. We own these. We have these all over the country and we, you know -- Wanda and I can tell you that we personally field complaints from people if they don't know what these facilities are. What are they? Can you clear brush if, you know -- we are out there in the field monitoring these facilities and we make sure that if they're damaged, if there's graffiti, if they need to -- if the lawn needs to be mowed around it, you know, that's gonna happen.

CHAIR PRO TEM PARDO: So you're going to maintain the right-of-way now, too? If you put a pole there, you're going to maintain it?

MELISSA ANDERSON: No. I'm not going to maintain the right-of-way --

CHAIR PRO TEM PARDO: The grass around it?

MELISSA ANDERSON: -- I'm going to maintain the pole --

CHAIR PRO TEM PARDO: Right.

MELISSA ANDERSON: -- I'm going to maintain the antenna.

CHAIR PRO TEM PARDO: Okay. But you mentioned the --

MELISSA ANDERSON: I'm going to make sure there's no graffiti.

CHAIR PRO TEM PARDO: Right. Mowing the grass around it.

CITY ATTORNEY RYAN: They're not doing that.

CHAIR PRO TEM PARDO: Well, if there's landscaping, if landscaping is required as I believe is maybe in your ordinance, we would maintain that.

CITY ATTORNEY RYAN: (Inaudible).

CHAIRPERSON JUDY DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: Okay. Madam Chair, I'm done. Thank you.

CHAIRPERSON JUDY DAVIS: Okay. Now on page 22 of 50, it -- F. It addresses -- it says, they're -- they shall, "Shall endeavor when practical to place all communications facilities or wireless communications facilities underground." I know you brought that up and just pointing it out that it's there.

CITY ATTORNEY RYAN: Yeah.

CHAIR PRO TEM PARDO: I want to see the FPL.

CITY ATTORNEY RYAN: Yeah. I thought there was one or two but I can't find it.

COUNCILPERSON THOMAS: Madam Chair.

MELISSA ANDERSON: And -- and if you would like a copy of our agreement or at least the front page of our -- our Pole Attachment Agreement with FP&L, I can provide that.

CHAIRPERSON JUDY DAVIS: Would you please? Yes.

MELISSA ANDERSON: Absolutely. We have one with AT&T, too.

CHAIRPERSON JUDY DAVIS: Okay. Just F -- FP&L would be great. Mr. Thomas.

COUNCILPERSON THOMAS: Yes. I -- I have a -- just a couple of questions. (Inaudible). Does FP&L charge you to utilize their poles?

MELISSA ANDERSON: I don't know. We -- we have a Pole Attachment Agreement. I'm sure they do.

COUNCILPERSON THOMAS: Right. So at some point, these -- these will become business decisions on whether you enter into an agreement with FP&L or just erect your own poles?

MELISSA ANDERSON: No. Absolutely not. We always go on existing poles. That is our protocol. We do that -- first of all, it's cheaper for us because we don't have to build a pole and we don't have to maintain it ourselves. We go on somebody else's pole. It's just good -- it's good business practice on our part to -- to co-locate on somebody else's pole.

COUNCILPERSON THOMAS: Okay. So is it -- why wouldn't you just say, We want to put this technology, as I've heard it referred to, in, but we're only going to put it on existing poles? Why wouldn't you just say that?

MELISSA ANDERSON: Well, we would like to do that but because --

COUNCILPERSON THOMAS: I could support that. I could support it if you say, "We're only going to put it on existing poles," my hand will go up right now. I'll do a cartwheel.

MELISSA ANDERSON: I want to see that. No.

COUNCILPERSON THOMAS: Well, go right ahead and say it to me.

MELISSA ANDERSON: No, no. Well, I -- I -- what -- what I cannot do is tell you that we -- that we will not have to erect any new poles because FP&L has -- we are allowed under the Federal Pole Attachment Act to put our facilities on FP&L poles.

COUNCILPERSON THOMAS: Uh-huh.

MELISSA ANDERSON: However, FP&L is allowed to tell us what they think is safe and what's not safe.

COUNCILPERSON THOMAS: And they can just flat out say no.

MELISSA ANDERSON: Absolutely.

COUNCILPERSON THOMAS: Exactly.

MELISSA ANDERSON: And that's what we've been discussing with FP&L for the last three years. However, as I said, we always prefer to go -- whether -- and it's not just FP&L. AT&T poles we can go on and we -- several -- we do, all the time.

COUNCILPERSON THOMAS: I -- I get it. Let me ask you this. And please, you know, answer this as honestly as you can. I'm sure you will. When -- when these poles or facilities or whatever you refer to them as, are erected, do they only just service the area in which they're erected for?

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: Okay. So let me make sure I understand you correctly and follow me. We put these up here, it's only going to help our residents?

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: Okay. Now let me tell you why I will respectfully disagree with you. If you only got a certain amount of poles up now, a certain amount of antennas up now, everybody shares those antennas. The data, everything is shared among what you have right now. So that means if you put these poles in our community, everybody's still going to share them. And all -- all I'm --

MELISSA ANDERSON: No.

COUNCILPERSON THOMAS: Yeah. That -- that's going to happen.

MELISSA ANDERSON: No, no, no. That's physic -- no. That's not -- that's scientifically incorrect.

COUNCILPERSON THOMAS: It --

MELISSA ANDERSON: Because what happens is the neighborhood will use the signal that's in that neighborhood. It's not gonna -- people five miles away aren't going to use that signal.

COUNCILPERSON THOMAS: So let me ask you a question. They're not there now so how --

MELISSA ANDERSON: That's correct.

COUNCILPERSON THOMAS: Right. -- so how are they doing it now? They're sharing from some --

MELISSA ANDERSON: They're not because calls are being dropped.

CHAIRPERSON JUDY DAVIS: Okay. Well, let --

COUNCILPERSON THOMAS: I get it but some calls are happening as well.

CHAIRPERSON JUDY DAVIS: -- can you wait until he asks the question before you answer, please?

MELISSA ANDERSON: Absolutely.

CHAIRPERSON JUDY DAVIS: Thank you very much.

COUNCILPERSON THOMAS: Some calls are happening. Maybe not very many, but some calls are happening.

MELISSA ANDERSON: That's correct.

COUNCILPERSON THOMAS: So they're using and they're sharing this signal that's from somewhere.

MELISSA ANDERSON: Uh-huh.

COUNCILPERSON THOMAS: That's why my theory has to be true.

MELISSA ANDERSON: They're using the signal from the tower.

COUNCILPERSON THOMAS: I get it.

MELISSA ANDERSON: Right.

COUNCILPERSON THOMAS: But it's somewhere now.

MELISSA ANDERSON: Yes, absolutely.

COUNCILPERSON THOMAS: It's somewhere. Exactly.

MELISSA ANDERSON: Yes.

COUNCILPERSON THOMAS: So when we put in new poles, that's going to help people all around the place.

MELISSA ANDERSON: No. It's going to help people in the neighborhood --

COUNCILPERSON THOMAS: In addition to helping people everywhere else.

MELISSA ANDERSON: No.

COUNCILPERSON THOMAS: Because if -- if --

CHAIRPERSON JUDY DAVIS: Okay.

COUNCILPERSON THOMAS: No. I'm --

CHAIRPERSON JUDY DAVIS: I -- I -- I'm not talking about you Mr. Thomas. I'm just --

MELISSA ANDERSON: No. It -- it -- that's just not correct.

COUNCILPERSON THOMAS: I --

MELISSA ANDERSON: I'm sorry. But that's not correct.

COUNCILPERSON THOMAS: -- I get what you're saying and I'll let you agree to disagree with me on it but it has that because it's happening now. All I'm saying is give me some -- give me some guarantees that this is not going to, as your own words, pollute our areas with this. If -- if you could have come up here and say, You know what, we have 300 poles in Broward County. We have this, we have that. You're basically saying Riviera Beach, accept this, you gotta accept it but we don't know how many poles that we're going to put up. We just -- we just know that we're only going to put up -- we're gonna -- we're gonna put them 1,000 feet apart -- 1,000 feet apart.

As you get more customers, as Metro and Boost and whoever else uses these, as you get more customers, you're going to need more demand and that means they're going to go up in the areas where they're utilized most. You say you -- you're from Boca. How many of these do you have in Boca?

MELISSA ANDERSON: I'm actually originally from Fort Lauderdale, but I live in Delray Beach now.

COUNCILPERSON THOMAS: Okay.

MELISSA ANDERSON: In -- I -- we -- we don't have any -- we have not put any up in Boca.

COUNCILPERSON THOMAS: Exactly.

MELISSA ANDERSON: Well, let me just tell you this. This project, which started two years ago, was the first of its kind in South Florida. We have hundreds of poles, mostly in Broward and Dade County. We -- or we are placing four -- we are asking to place four in Riviera Beach, one in West Palm.

COUNCILPERSON THOMAS: Will it stop at four?

MELISSA ANDERSON: I -- I -- I do not know the answer to that question.

COUNCILPERSON THOMAS: Can you give us a definite, you won't go over 10 poles? Can you give us any of those definites?

MELISSA ANDERSON: No. Because -- because I don't know what's going to happen in the future.

COUNCILPERSON THOMAS: But in -- but in Boca, they're not getting any dropped calls for some reason.

MELISSA ANDERSON: No. I'm sure they're getting a lot of dropped calls.

COUNCILPERSON THOMAS: And what are they doing for that? All I'm trying to say -- and it's up to colleagues. I pretty much see where this is gonna go. It's fine.

MELISSA ANDERSON: Uh-huh.

COUNCILPERSON THOMAS: I just want my colleagues to know that we don't have to just sit here and take this because they're telling us we can fight, we should fight, because at the end of the day, we're going to be the ones that loses just because we're saying we want to get more technology here. Well, Boca is finding a way to deal with it. Delray and most other cities in this county is finding a way to deal with it. We ought to make them find a way to deal with it here as well. So I'm done. You can call the question if you want to but I'm done. If -- if my colleagues think that we should do this, then I guess that's the way to go. I'm done.

CHAIRPERSON JUDY DAVIS: Any other comments?

COUNCILPERSON GUYTON: Call the question, Madam Chair.

CHAIRPERSON JUDY DAVIS: Okay.

INTERIM CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON TERENCE DAVIS: No.

INTERIM CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

INTERIM CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: No.

INTERIM CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: No.

INTERIM CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON JUDY DAVIS: No.

INTERIM CITY CLERK ANTHONY: That motion fails with Councilpersons Thomas, T. Davis, J. Davis and Pardo dissenting.

CHAIRPERSON JUDY DAVIS: Okay. We are now going to item 8.

COMMENTS FROM THE PUBLIC -7:00 PM Non-Agenda Item Speakers (Three Minute Limitation)

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Public Comments shall begin at 7:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 7:00 PM, then comments from the public shall begin immediately after the item has been concluded.

CHAIRPERSON JUDY DAVIS: Okay.

DOROTHY GAY: And I appreciate it. Thank you so much --

CHAIRPERSON JUDY DAVIS: You're welcome, ma'am.

DOROTHY GAY: -- Miss Davis. As I was about to state at that time in December, my first question was -- I'm Dorothy Gay, 720 W. Sixth Street, Riviera Beach, Florida. The comments that I had then are the same that I have now. I wanted to see, first, the misnomer that was made, to correct it. Because at that time, it was stated that my lease agreement was illegible and no one can read it. And that's the reason why it wasn't done. I -- I consider that incorrect. My lease is legible and it was approved by people who read leases. And it has nothing to do with the verbiage 'cause all the verbiage was fine. It was legible. So to correct that misnomer that was stated in the December meeting.

My comments, going down quickly. I think we should have in place procedures and a process from the Water Department, asking -- being enforced really. You have -- have rules and regulations that came into place almost 18 months ago. So it should've been a process, a procedure, before it was fully implemented. Secondly, policies that we say dealing with water and who is responsible, I feel that being a landlord here in the City of Riviera Beach, I shouldn't have to be either censored or hold -- I'm held hostage